

AMENDED IN ASSEMBLY JULY 16, 2001

AMENDED IN SENATE JUNE 4, 2001

SENATE BILL

No. 132

Introduced by Senator Burton

January 29, 2001

An act *to add Section 21382 to the Government Code*, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as amended, Burton. Public employees' retirement: minimum benefits.

Under existing law, specified retired members of the Public Employees' Retirement System whose retirement allowances would be less than \$1,200 per year are entitled to have their allowances increased to that amount.

This bill would ~~state the intent of the Legislature to, as of July 1, 2002, establish minimum allowance amounts payable to certain retired state members and their survivors and beneficiaries, as specified, which amounts would vary according to the member's age at retirement, credited state service, and type of benefit, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to increase~~
2 SECTION 1. Section 21382 is added to the Government Code,
3 to read:

21382. (a) Notwithstanding any provisions of this part, including, but not limited to, Section 21381, the monthly allowance payable with respect to state service to members who retired prior to January 1, 2001, with at least 10 years of credited state service or to their beneficiaries receiving an optional settlement pursuant to Section 21455, 21456, 21457, 21458, 21459, or 21465 or receiving a survivor benefit pursuant to Section 21624, 21627, 21629, or 21630 shall not be less than the amount identified in the following schedules for the number of years of the member's credited state service and years of age, as determined in whole year increments, at the time of the member's retirement.

(1) Minimum monthly service retirement, disability retirement, or industrial disability retirement allowances for each year of state service credit not subject to Second Tier:

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
Under 50	\$13	\$11	\$12
50	\$26	\$22	\$24
51	\$30	\$26	\$28
52	\$34	\$29	\$31
53	\$38	\$32	\$35
54	\$42	\$36	\$39
55	\$47	\$40	\$43
56	\$48	\$41	\$44
57	\$50	\$43	\$46
58	\$51	\$43	\$47
59	\$53	\$45	\$49
60	\$54	\$46	\$50
61	\$55	\$47	\$51
62	\$57	\$48	\$53
63 or Over	\$58	\$49	\$54

(2) Minimum monthly service retirement, disability retirement, or industrial disability retirement allowances for each year of state service credit subject to Second Tier:

<i>Member's Age at Retirement</i>	<i>Optional Settlement Elected by Member at Retirement</i>		
	<i>Unmodified and Option 1</i>	<i>Option 2</i>	<i>Option 3</i>
<i>Under 50</i>	\$6	\$5	\$6
<i>50</i>	\$12	\$10	\$11
<i>51</i>	\$13	\$11	\$12
<i>52</i>	\$14	\$12	\$13
<i>53</i>	\$15	\$13	\$14
<i>54</i>	\$16	\$14	\$15
<i>55</i>	\$18	\$15	\$17
<i>56</i>	\$19	\$16	\$18
<i>57</i>	\$20	\$17	\$19
<i>58</i>	\$21	\$18	\$19
<i>59</i>	\$22	\$19	\$20
<i>60</i>	\$23	\$20	\$21
<i>61</i>	\$25	\$21	\$23
<i>62</i>	\$26	\$22	\$24
<i>63</i>	\$27	\$23	\$25
<i>64</i>	\$28	\$24	\$26
<i>65 or Over</i>	\$29	\$25	\$27

(3) *Minimum monthly postretirement beneficiary of a service retirement, disability retirement, or industrial disability retirement allowance for each year of state service not subject to Second Tier:*

<i>Member's Age at Retirement</i>	<i>Optional Settlement Elected by Member at Retirement</i>		
	<i>Unmodified and Option 1</i>	<i>Option 2</i>	<i>Option 3</i>
<i>Under 50</i>	\$3	\$11	\$8
<i>50</i>	\$7	\$22	\$16
<i>51</i>	\$8	\$26	\$19
<i>52</i>	\$9	\$29	\$21
<i>53</i>	\$10	\$32	\$24
<i>54</i>	\$11	\$36	\$26
<i>55</i>	\$12	\$40	\$29
<i>56</i>	\$12	\$41	\$30
<i>57</i>	\$13	\$43	\$31
<i>58</i>	\$13	\$43	\$32
<i>59</i>	\$13	\$45	\$33
<i>60</i>	\$14	\$46	\$34
<i>61</i>	\$14	\$47	\$34
<i>62</i>	\$14	\$48	\$36
<i>63 or Over</i>	\$15	\$49	\$36

(4) Minimum monthly postretirement beneficiary of a service retirement, disability retirement, or industrial disability retirement allowance for each year of state service credit subject to Second Tier:

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
Under 50	\$2	\$5	\$4
50	\$3	\$10	\$8
51	\$3	\$11	\$8
52	\$4	\$12	\$9
53	\$4	\$13	\$9
54	\$4	\$14	\$10
55	\$5	\$15	\$11
56	\$5	\$16	\$12
57	\$5	\$17	\$13
58	\$5	\$18	\$13
59	\$6	\$19	\$14
60	\$6	\$20	\$14
61	\$6	\$21	\$16
62	\$7	\$22	\$16
63	\$7	\$23	\$17
64	\$7	\$24	\$18
65 or Over	\$7	\$25	\$18

(5) Minimum monthly retirement allowance for each year of state service credit not subject to Second Tier for members who elected a temporary annuity at retirement:

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
50	\$18	\$14	\$16
51	\$23	\$19	\$21
52	\$27	\$22	\$24
53	\$32	\$26	\$29
54	\$37	\$31	\$34
55	\$42	\$35	\$38
56	\$43	\$36	\$39
57	\$45	\$38	\$41
58	\$46	\$38	\$42

59	\$48	\$40	\$44
60	\$49	\$41	\$45
61	\$50	\$42	\$46
62	\$52	\$43	\$48
63 or Over	\$52	\$43	\$48

(6) Minimum monthly retirement allowances for each year of state service credit subject to Second Tier for members who elected a temporary annuity at retirement:

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
50	\$5	\$3	\$4
51	\$6	\$4	\$5
52	\$7	\$5	\$6
53	\$8	\$6	\$7
54	\$9	\$7	\$8
55	\$11	\$8	\$10
56	\$12	\$9	\$11
57	\$13	\$10	\$12
58	\$14	\$11	\$12
59	\$15	\$12	\$13
60	\$16	\$13	\$14
61	\$18	\$14	\$16
62	\$19	\$15	\$17
63	\$20	\$16	\$18
64	\$21	\$17	\$19
65 or Over	\$22	\$18	\$20

(7) Minimum monthly postretirement beneficiary allowances for each year of state service credit not subject to Second Tier where the member elected a temporary annuity at retirement:

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
50	\$5	\$14	\$11
51	\$6	\$19	\$14
52	\$7	\$22	\$17
53	\$8	\$26	\$20
54	\$9	\$31	\$23

1	55	\$11	\$35	\$26
2	56	\$11	\$36	\$27
3	57	\$11	\$38	\$28
4	58	\$12	\$38	\$29
5	59	\$12	\$40	\$30
6	60	\$12	\$41	\$31
7	61	\$13	\$42	\$31
8	62	\$13	\$43	\$33
9	63 or Over	\$13	\$43	\$33

(8) *Minimum monthly postretirement beneficiary allowances for each year of state service credit subject to Second Tier where the member elected a temporary annuity at retirement:*

Member's Age at Retirement	Optional Settlement Elected by Member at Retirement		
	Unmodified and Option 1	Option 2	Option 3
50	\$1	\$3	\$3
51	\$2	\$4	\$4
52	\$2	\$5	\$4
53	\$2	\$6	\$5
54	\$2	\$7	\$6
55	\$3	\$8	\$7
56	\$3	\$9	\$8
57	\$3	\$10	\$8
58	\$4	\$11	\$9
59	\$4	\$12	\$9
60	\$4	\$13	\$10
61	\$5	\$14	\$11
62	\$5	\$15	\$12
63	\$5	\$16	\$13
64	\$5	\$17	\$13
65 or Over	\$6	\$18	\$14

(9) *The monthly allowance as provided by this section payable to a member who, at the time of retirement, elected optional settlement 4 pursuant to Section 21458 or optional settlement 5 pursuant to Section 21465, or payable to that member's beneficiary or survivor, shall be the actuarial equivalent of the minimum monthly allowance payable based on the member's credited state service.*

(10) *The monthly allowance as provided by this schedule payable to a member who at the time of retirement elected optional*

1 settlement 2 or 3 and also made the election pursuant to Section
2 21459, or payable to that member's beneficiary or survivor, shall
3 be the monthly allowance payable based on the member's credited
4 state service under optional settlement 2 or optional settlement 3,
5 as applicable.

6 (b) For purposes of this section, "state service" shall mean
7 service credited to a member while that member was an employee
8 of the State of California.

9 (c) This section shall not apply to:

10 (1) A member who retired for industrial disability pursuant to
11 Section 21162 where the retirement allowance payable is an
12 annuity that is the actuarial equivalent of the member's
13 accumulated contributions.

14 (2) A member of any board, commission, or advisory
15 committee; appointee of the Governor, Speaker of the Assembly,
16 the President pro Tempore of the Senate, or director of a state
17 department; an elective officer; or an appointee of the Legislature,
18 either house, or a legislative committee.

19 (A) As used in this part, "elective officer" includes any officer
20 of the Senate or Assembly who is elected by vote of the members
21 of either or both of the houses of the Legislature as well as officers
22 of the state elected by the people.

23 (B) The board shall be the sole judge of which elected or
24 appointed positions disqualify the incumbent under this section.

25 (d) This section shall become operative on July 1, 2002.

26 (e) A retired member, optional settlement beneficiary or
27 surviving spouse whose monthly allowance is subject to an
28 increase pursuant to this section shall receive the increase in the
29 monthly allowance unless and until the system receives written
30 notification from the member, optional settlement beneficiary, or
31 surviving spouse that he or she elects not to receive the increase
32 provided under this section.

33 ~~funding for minimum allowance amounts for retired state~~
34 ~~members and their survivors and beneficiaries, which amounts~~
35 ~~would vary according to the member's age at retirement, credited~~
36 ~~state service, and type of benefit.~~